United Nations S/2005/492

Security Council

Distr.: General
27 July 2005

Original: English

France, Germany, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1582 of 28 January 2005 (S/RES/1582),

Welcoming the report of the Secretary-General of 14 July 2005,

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Deploring that the perpetrators of the shooting down of a helicopter of the United Nations Observer Mission in Georgia (UNOMIG) on 8 October 2001, which resulted in the death of nine people on board, have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming, however, the positive momentum given to the United Nations-led peace process by regular high-level meetings of the Group of Friends in Geneva and the Georgian-Russian summit meetings,

Welcoming the important contributions made by UNOMIG and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) in stabilizing the situation in the zone of conflict, and *stressing* its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;

2. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the

05-44612 (E) 290705

Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

3. *Reiterates* its strong support for the document on "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends;

4. *Deeply regrets* the continued refusal of the Abkhaz side to agree to a discussion on the substance of this document, again *strongly urges* the Abkhaz side to receive the document and its transmittal letter, *urges* both parties thereafter to give them full and open consideration, and to engage in constructive negotiations on their substance, and *urges* those having influence with the parties to promote this outcome;

5. *Regrets also* the lack of progress on the initiation of political status negotiations, and *recalls*, once again, that the purpose of these documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

6. *Calls on* both sides to participate in constructive negotiations towards a political settlement of the conflict and to spare no efforts to overcome their ongoing mutual mistrust and *underlines* that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

7. *Welcomes* the commitment by the Georgian side to a peaceful resolution of the conflict and *calls* on both parties further to publicly dissociate themselves from all militant rhetoric and demonstrations of support for military options;

8. *Reminds* all concerned to refrain from any action that might impede the peace process;

9. *Welcomes* the convening of regular meetings of senior representatives of the Group of Friends and the United Nations in Geneva *as well as* the participation of both sides in the last meeting on 7 and 8 April 2005 and the commitments expressed by the parties during this meeting and strongly urges both sides to continue to participate constructively in future meetings;

10. *Urges* the parties to participate in a more active, regular and structured manner in the task forces established in the first Geneva meeting (to address issues in the priority areas of economic cooperation, the return of internally displaced persons and refugees, and political and security matters) and complemented by the working groups established in Sochi in March 2003, and *reiterates* that results-oriented activities in these three priority areas remain key to building common ground between the Georgian and Abkhaz sides and ultimately for concluding meaningful negotiations on a comprehensive political settlement based on the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter;

11. *Regrets* the cancellation of the meeting on security guarantees planned for July 2005 and *expects* that such a meeting with the full participation of both sides will be held as soon as possible;

12. *Welcomes* the signing on 12 May 2005 of a Protocol with measures to strengthen the implementation of the Moscow agreement on ceasefire and separation of forces of 1994;

13. *Calls again* on the parties to take concrete steps to revitalize the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, to build on the results of the Yalta meeting on confidence-building measures in March 2001 (S/2001/242) and to implement the proposals agreed on that occasion in a purposeful and cooperative manner, with a view to holding a fourth conference on confidence-building measures, and welcomes the intention expressed by Germany to host such a meeting on economic cooperation and confidence-building measures pending progress in the conflict resolution process;

14. *Welcomes* the positive developments towards the reopening of the railways between Sochi and Tbilisi and towards the return of refugees and internally displaced persons;

15. *Notes* that contacts at the level of civil society can reinforce mutual confidence and *calls* on both sides to facilitate such contacts;

16. *Stresses* the urgent need for progress on the question of the refugees and internally displaced persons, *calls on* both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with UNOMIG and consultations with UNHCR and the Group of Friends;

17. *Calls* for the rapid finalization and signature of the letter of intent on returns proposed by the Special Representative of the Secretary-General and *welcomes* the meetings with the participation of the SRSG and UNHCR of the Sochi working group on refugees and internally displaced persons;

18. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, *reaffirms* also the inalienable rights of all refugees and internally displaced persons affected by the conflict, and *stresses* that they have the right to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II) and the Yalta Declaration;

19. *Recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population;

20. *Welcomes* the continuing activities of UNDP in the Gali, Ochamchira and Tkvarcheli districts and the opening of offices by UNDP in Sukhumi and Gali;

21. *Urges* the parties once again to implement the recommendations of the Joint Assessment Mission to the Gali sector (November 2000), *regrets* that there has been no progress to that effect despite the positive consideration by the parties given to those recommendations in the first Geneva meeting and *calls again* upon the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

22. *Reiterates its concern* that despite the start of the deployment of a civilian police component as part of UNOMIG, as endorsed in resolution 1494

(2003) and agreed by the parties, the deployment of the remaining officers in the Gali sector is still outstanding and *calls on* the Abkhaz side to allow for a swift deployment of the police component in that region;

23. *Calls* in particular on the Abkhaz side to improve law enforcement protection of the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

24. *Welcomes* the measures taken by the Georgian side to put an end to the activities of illegal armed groups and *encourages* the maintenance of these efforts;

25. *Condemns* any violations of the provisions of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I);

26. *Welcomes* the continuing relative calm in the Kodori valley and *condemns* the continuing criminal activities, including killings and abductions of civilians, in the Gali and Zugdidi districts;

27. *Urges* the parties to abide by the provisions of the protocols on security issues in the Gali district signed on 19 January 2004 and 8 October 2003, to continue their regular meetings and to cooperate more closely with each other to improve security in the Gali sector, and *takes note* of the resumption of Abkhaz participation in the Quadripartite meetings and the Joint Fact Finding Group;

28. *Reiterates its call* on the Georgian side to provide comprehensive security guarantees to allow for independent and regular monitoring of the situation in the upper Kodori valley by joint UNOMIG and CIS peacekeeping force patrols;

29. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel and *calls upon* both sides to fulfil their obligations in this regard;

30. *Strongly condemns* in that respect the repeated abductions of personnel of those missions in the past, *deeply deplores* that none of the perpetrators have ever been identified or brought to justice, *reiterates* that it is the responsibility of the parties to end this impunity and *calls* upon them to take action;

31. *Also calls upon* the parties, *once again*, to take all necessary steps, to identify those responsible for the shooting down of a UNOMIG helicopter on 8 October 2001, to bring them to justice, and to inform the SRSG of the steps taken in particular in the criminal investigation;

32. *Welcomes* the efforts being undertaken by UNOMIG to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, *requests* the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

33. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 January 2006, subject to a review as appropriate of its mandate by the Council in the event of changes in the mandate of the CIS peacekeeping force;

14. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia;

15. *Decides* to remain actively seized of the matter.